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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES
(Docket No. 403120)

In re the Application of:) Customer No. 27717
Harold Mattice)
Serial No.: 09/824,621) Art Unit: 3714
Filed: April 2, 2001) Examiner: Corbett B. Coburn
For: METHOD AND APPARATUS FOR)
CONTROLLING ACCESS TO AREAS OF)
GAMING MACHINES)

TO: MAIL STOP: Appeal Brief - Patent
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

APPELLANT'S REPLY BRIEF

This is the Reply Brief to the Examiner's Answer mailed October 29, 2007.

The Examiner has continued to combine Luciano and Henry in an attempt to show Appellant's invention as claimed. However, the purported combination of Luciano and Henry is improper because such combination would not have been obvious, Luciano lacks almost all the claimed structure and steps, and, further, such combination is contrary to the teachings of the Henry patent.

With respect to Luciano, as pointed out on the bottom of page 4 of the Examiner's Answer, the Examiner recognizes that "Luciano fails to teach the details of the operation of electronic locks." This is an understatement. Luciano discloses a type of prior art system that Appellant's invention is intended to improve upon. Luciano discloses a mechanical key locking system in which a number of rotary key switches are individually keyed to control access to specific areas of a game controller. Luciano

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does not teach anything about the structure and operation of an electronic lock system but instead only contains one sentence near the end of the specification (column 8, lines 18-21), in which Luciano states: "Other locks can be used than the cylinder type rotary key locks, with the electronic locks which use a code rather than a physical code can likewise be used." This sentence teaches nothing useful to one having ordinary skill in the art except that somehow an electronic lock using a code can be substituted for the cylinder type rotary key locks. The normal reading of this sentence would indicate that wherever there is a rotary key lock, it could be replaced with an electronic lock in which a person could push code buttons to unlock the lock, rather than insert a mechanical key. This, of course, has nothing to do with the present invention as claimed.

Substantially all of the structure of independent claims 1 and 37 and substantially all of the steps of independent method claim 32 are nowhere found in Luciano because Luciano is about a controller located at a gaming machine for controlling a single gaming machine. Luciano does not disclose nor even relate to apparatus or a method for remotely controlling access to a plurality of physical areas of a plurality of gaming machines.

Even the Examiner's own description of Luciano highlights how the claims are simply not applicable to Luciano. For example, while the preamble of claim 1 calls for "Apparatus for remotely selectively controlling access to a plurality of physical areas of a plurality of gaming machines," the Examiner states that "Luciano teaches an apparatus (Lockable Security Cabinet) for selectively controlling access to a plurality of physical

areas of a gaming machine." Note that there is nothing relating to the remote operation or to a plurality of gaming machines.

Among other things, claim 1 also calls for "control circuitry independent of the gaming machines, said control circuitry including a processor operating under control of a stored program and coupled to each of said lock mechanism via a communications link for controlling operation thereof." This structure is not disclosed or taught by Luciano.

Claim 1 further calls for, among other things, "a data storage and retrieval system adapted to communicate with the processor and including a storage medium for storing data including personnel identification data and access authorization data indicative of the gaming machines and the physical areas, if any, of each of the gaming machines for which a person seeking access to the gaming machines is authorized." This subject matter is not disclosed or taught by Luciano.

Claim 1 further calls for "a data input device coupled to a processor, said data input device enabling a person to input at least personnel identification data that identifies the person." This structure is not disclosed or taught by Luciano.

Claim 1 also calls for "the processor being operable to compare said personnel identification data inputted by the person with said personnel identification data stored by said storage media..." None of this structure is disclosed or taught by Luciano.

In short, Luciano is void of substantially all of the structure within the claims and Luciano's apparatus does not even relate to an apparatus for remotely controlling access to a plurality of gaming machines.

Throughout the Examiner's answer, the Examiner attempts to use Henry to remedy the extremely significant deficiencies of Luciano. On page 6 of the Examiner's Answer, the Examiner states that "Henry teaches controlling multiple locks from a single location." While this correct, there is no reason other than by reading Appellant's own disclosure that one skilled in the art would even contemplate changing Luciano's gaming device controller into a total remote control system.

Nowhere does the Examiner state why it would have been obvious to modify Luciano in view of Henry or to modify both Luciano and Henry in order to try to form the apparatus and method claimed by Appellant.

Even taking Henry for what it actually discloses, Henry discloses remotely controlling access to a single physical area of various lockable devices which are at various remote locations. As stated in our main brief, Henry has nothing to do with gaming machines or with controlling access to a plurality of physical areas of a plurality of gaming machines. Henry merely teaches a single programmable electronic lock per device, that is, a single electronic lock at each different physical location. For example, safe 1 may have an electronic lock in bank 1, safe 2 may have an electronic lock in bank 2, safe 3 may have an electronic lock in bank 3, and there would be a central computer (remote from banks 1, 2 and 3) enabling access to one or more of the safes from the remote location. This is significantly different from Appellant's invention as claimed, in which each gaming machine has a plurality of electrically operable lock mechanisms, each of which is associated with one of the plurality of physical areas of the gaming machine.

In the full paragraph on page 5 of the Examiner's Answer, the Examiner refers to Henry and incorrectly states that in Henry, "A user may access one or more physical areas (i.e., a plurality of physical areas) of the machine without having access to all areas." As brought out in our main brief, this is without basis because Henry does not disclose, teach or suggest a user's access to one or more physical areas of a machine without having access to all areas. Henry discloses a system having a single lock per lockable device, not to anything resembling Appellant's invention.

At the bottom of page 5 of the Examiner's Answer, the Examiner states that "It would have been obvious to one of ordinary skilled in the art at the time of the invention to have modified Luciano in view of Henry to include the circuitry and programming described in Henry in order to carry out Luciano's suggestion to use electronic locks." As stated above, any suggestion by Luciano to use electronic locks would normally be read by one skilled in the art to mean that each rotary key lock could be replaced with an electronic lock in which a person could push code buttons to unlock the lock, rather than insert a mechanical key. This is a far cry from the subject matter claimed by Appellant.

Throughout page 6 of the Examiner's Answer, the Examiner emphasizes that Henry teaches controlling multiple locks from a single location. Again, this misses the subject matter of Appellant's claims which concern gaming machines with controlling access to a plurality of physical areas of a plurality of gaming machines. Nowhere in Henry is this suggested.


On page 9, first paragraph, of the Examiner's Answer, the Examiner recognizes that Henry does not teach controlling access to different areas of a slot machine. The

Examiner must also recognize that Henry does not teach controlling access to different areas of any machine, or safe, or whatever. The Examiner then states that "The combination of Luciano and Henry does." But this is a combination made up of two references that have nothing to do with each other and neither of the references suggests anything for remotely selectively controlling access to a plurality of physical areas of a plurality of gaming machines. The mere mention of "electronic locks" in the Luciano patent, which is devoted to a mechanical key locking system using a number of rotary key switches, does not justify the total reconstruction of Luciano based on the Henry patent which is not only in a completely different art from the Luciano patent but is also intended for a completely different operation and purpose.

The Examiner states repeatedly that the combination of Luciano and Henry would have been obvious, but the Examiner has not clearly articulated why it would have been obvious. Further, attempting to combine Luciano and Henry would significantly change the principle of operation of Luciano and Henry, and would not result in the invention as claimed. Therefore, a rejection based on this purported combination of references is clearly erroneous. For the reasons stated in our main brief and this reply brief, the rejections should be reversed.

Respectfully submitted,

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Date: Dec. 7, 2007